

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

SETH BEVILLE and MARGARET
BEVILLE,

Plaintiffs,

v.

CAUSE NO.: 2:21-CV-75-TLS-JPK

UNITED STATES OF AMERICA and
UNITED STATES POSTAL SERVICE,
Defendants.

OPINION AND ORDER

This matter is before the Court on a Notice of Partial Dismissal [ECF No. 9], filed on March 30, 2021. Therein, the Plaintiffs seek to dismiss without prejudice Plaintiff Margaret Belville's claims and all claims against Defendant United States Postal Service pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i).

The Seventh Circuit Court of Appeals has held that the proper procedure for dismissal of individual parties or claims is by the amendment of pleadings under Federal Rule of Civil Procedure 15(a) and not by dismissal under Federal Rule of Civil Procedure 41(a). *Taylor v. Brown*, 787 F.3d 851, 857–58, 858 n.9 (7th Cir. 2015) (explaining that “Rule 15(a) allows a plaintiff to amend his complaint—including by adding or dropping parties and claims—as a matter of right in some situations and by court order in others” and reminding district court to use Rule 15(a) rather than Rule 41(a) for dismissal of individual claims); *see also* 6 Fed. Prac. & Proc. Civ. § 1479 (3d ed.).

Accordingly, the Court STRIKES the Notice of Partial Dismissal [ECF No. 9]. Pursuant to Federal Rule of Civil Procedure 15(a)(2), the Court GRANTS the Plaintiffs leave to file, on or before April 19, 2021, an amended complaint to drop Plaintiff Margaret Belville and Defendant United States Postal Service.

SO ORDERED on April 2, 2021.

s/ Theresa L. Springmann

JUDGE THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT